



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Good Food Service, Inc.--Reconsideration

File: B-252490.2

Date: November 30, 1993

Pamela J. Mazza, Esq., and Andrew P. Hallowell, Esq., Piliero, Mazza & Pargament, for the protester, Alex D. Tomaszczuk, Esq., Devon E. Hewitt, Esq., and Arnold R. Finlayson, Esq., Shaw, Pittman, Potts & Trowbridge for Crestmont Cleaning Service & Supply Company, an interested party.

Scott H. Riback, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration is denied where requesting party does not identify errors of fact or law, or provide information not previously considered which would warrant reversal or modification of initial decision.

DECISION

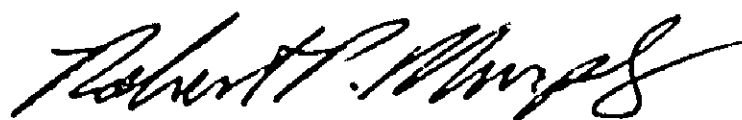
Good Food Service, Inc. requests reconsideration of our decision in Crestmont Cleaning Serv. & Supply Co., B-252490, July 1, 1993, 93-2 CPD ¶ 2, in which we sustained Crestmont's protest against the award of a contract to Good Food under request for proposals (RFP) No. F49642-92-R-0143, issued by the Department of the Air Force for dining facility operation services at Fort Meade, Maryland. We concluded that the Air Force had improperly engaged in discussions exclusively with Good Food; specifically, the agency improperly solicited additional information from Good Food that was essential for finding the firm's proposal technically acceptable, without also affording the other competitive range firms an opportunity to revise their proposals. We recommended that the agency conduct discussions with all of the competitive range offerors, and provide them with an opportunity to submit revised offers.

In its reconsideration, Good Food argues that we failed to consider whether the improper discussions had been prejudicial to Crestmont. Noting that the RFP provided for award to the low-priced, technically acceptable offeror, Good Food maintains that Crestmont was not prejudiced because it would

have been unable to improve its already technically acceptable proposal had discussions been held; discussions thus would not have improved Crestmont's chances for award.

Good Food's assertions are misplaced. As Crestmont argued, discussions with the protester would have provided it with an opportunity to submit a revised price, and it is not unusual for offerors to offer substantial price reductions even when they do not make changes to their technical proposals. SmithKline Beecham Pharmaceuticals, N.A., B-252226.2, Aug. 4, 1993, 93-2 CPD ¶ 79; HFS, Inc., B-248204.2, Sep 18, 1992, 92-2 CPD ¶ 188; Federal Acquisition Regulation §§ 15.610 (c) and 15.611 (a). Good Food contends that since it too would have had the opportunity to revise its price, there is no reason to believe that Crestmont would have been successful. Prejudice is established if the protester would have had a reasonable possibility for award if the agency had complied with the regulations. Raytheon Co.; Dept. of the Navy--Recon., B242484.2; B-242484.3, Aug. 6, 1991, 91-1 CPD ¶ 131. The fact that Good Food would have had a reasonable possibility for success does not eliminate the fact that Crestmont also would have had such a possibility. The protester was, therefore, prejudiced by the agency's actions.

Since Good Food has not shown either that our prior decision contained errors of fact or law, or that we failed to consider information that would warrant reversal or modification of our earlier decision, see Dictaphone Corp.--Recon., B-244691.3, Jan. 5, 1993, 93-1 CPD ¶ 2, we deny Good Food's request for reconsideration.



for James F. Hinchman
General Counsel